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## Central Intelligence Agency



Washington, D.C. 20505

OLL# 84-0981

8 MAR 1984

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Frey:

Enclosed is a letter to Representative Jack Brooks, Chairman, House Government Operations Committee, responding to his request for the views of the Central Intelligence Agency (CIA) on H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Your advice is requested whether there is any objection to the submission of this letter from the standpoint of the President's program.

For your information, I have also enclosed a copy of the Agency's 15 February 1984 response to Mr. Brooks' request for information concerning compliance with the requirements of the General Services Administration regulations on recording and listening in on telephone conversations by federal agencies. This 15 February 1984 letter is referenced in the subject Agency response on H.R. 4620.

If I can provide additional information to expedite clearances of the Agency's response on H.R. 4620, please do not hesitate to call me

Sincerely,

/s/ Clair E. George

Clair E. George  
Director, Office of Legislative Liaison

Enclosures

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Central Intelligence Agency



Washington, D.C. 20505

OLL# 84-0982

The Honorable Jack Brooks  
Chairman  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency concerning H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Mr. Casey has asked me to respond on his behalf.

As drafted, H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that would be amended by the bill. See 40 U.S.C. § 474. As we have previously informed your Committee by letter dated 15 February 1984, notwithstanding our statutory exemption we have promulgated internal regulations that protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent if conducted for authorized intelligence purposes and with appropriate senior approval.

Although in its current form H.R. 4620 would not have any impact on CIA activities, the bill could adversely affect the activities of other members of the Intelligence Community. In this regard, I note that the National Security Agency (NSA) has written to you identifying certain aspects of H.R. 4620 that could adversely affect the conduct of their activities. These concerns include the fact that only recordings made for counterintelligence purposes are exempted from the strictures of the bill, with no protection provided to other vital intelligence functions, and that the Privacy Act provisions of this bill could apply to records of any telecommunication recorded or monitored in accordance with other statutes. We endorse the views stated in the NSA letter and urge you to consider the equities of other intelligence agencies before acting favorably upon H.R. 4620.

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If you should have any further questions, or if we can be of further assistance, please contact me or [ ] of my Office at [ ]

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program. Thank you for the opportunity to comment on this legislation.

Sincerely,

/s/ Clair E. George

Clair E. George  
Director, Office of Legislative Liaison

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